

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

3/29/84

IN RE:	:	CHAPTER 11
	:	
TARACORP, INC., a/k/a	:	CASE NO. 82-04654A
EVANS METAL COMPANY,	:	
SEITZINGERS, IMACO and	:	
TARACORP INDUSTRIES,	:	
	:	
Debtor.	:	
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TARACORP, INC. a/k/a	:	
EVANS METAL COMPANY,	:	
SEITZINGERS, IMACO and	:	
TARACORP INDUSTRIES,	:	
	:	
Plaintiff,	:	
	:	ADVERSARY PROCEEDING
v.	:	
	:	NO. <u>84-0246A</u>
WILLIAM D. RUCKELSHAUS,	:	
Administrator, United States	:	
Environmental Protection	:	
Agency, and UNITED STATES	:	JUDGE HUGH ROBINSON
ENVIRONMENTAL PROTECTION	:	
AGENCY,	:	
	:	
Defendants.	:	
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MOTION OF THE CITIZENS AND SOUTHERN
NATIONAL BANK TO INTERVENE IN THE
ABOVE-REFERENCED ADVERSARY PROCEEDING

COMES NOW THE CITIZENS AND SOUTHERN NATIONAL BANK (hereinafter "C&S Bank") and, pursuant to Bankruptcy Code §1109(b), Rule 7024 of the Bankruptcy Rules, Rule 24 of the Federal Rules of Civil Procedure and other applicable law and rules, files this its "Motion Of The Citizens and Southern National Bank To Intervene In The Above-Referenced Adversary Proceeding" (hereinafter "Motion") and shows:



1.

C&S Bank is a creditor in the above-styled Chapter 11 Bankruptcy Case and filed a Proof of Claim in said case on March 31, 1983, which Proof of Claim is incorporated by reference herein and made a part hereof as if fully set forth herein in its entirety.

2.

As reflected by the Proof of Claim, C&S Bank claims a first lien and security interest in the real property and improvements at the Granite City location which is the subject matter of the above-styled adversary proceeding.

3.

By virtue of its position as a creditor in the case and its claim of a lien/security interest in the aforesaid property, Section 1109(b) of the Bankruptcy Code, codified as 11 U.S.C. §1109(b), confers upon C&S Bank an unconditional right to intervene in the above-referenced adversary proceeding pursuant to Bankruptcy Rule 7024, Rule 24(a), F.R.C.P. and other applicable law and rules.

4.

By virtue of its claim of a first lien/security interest in the aforesaid property which is the subject of the above-styled adversary proceeding; the fact that C&S Bank is so situated that the disposition of the adversary proceeding may, as a practical matter, impair or impede its ability to protect said lien/security interest; and the fact that C&S Bank's interest is not adequately represented by the existing parties to said adversary proceeding,

C&S Bank is entitled, as of right, pursuant to Bankruptcy Rule 7024, Rule 24(a), F.R.C.P. and other applicable law and rules, to intervene in said adversary proceeding.

5.

To the extent that Section 1109(b) of the Bankruptcy Code, codified as 11 U.S.C. §1109(b), is construed by this Court to confer upon C&S Bank only a conditional right to intervene in this adversary proceeding, then C&S Bank should be permitted to intervene in the proceeding pursuant to Bankruptcy Rule 7024, Rule 24(b), F.R.C.P. and other applicable law and rules.

6.

Intervention by C&S Bank will not unduly delay or prejudice the adjudication of the rights of the original parties to said adversary proceeding.

WHEREFORE, C&S Bank respectfully requests that this Court enter an order declaring that C&S Bank should be and is entitled to intervene in the above-styled adversary proceeding as a matter of right and/or, in the alternative, should be permitted to intervene in said proceeding.

Respectfully submitted,



R. NEAL BATSON



JAMES S. STOKES

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Attorneys for The Citizens and
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that he has this day served copies of the within and foregoing "Motion Of The Citizens And Southern National Bank To Intervene In The Above-Referenced Adversary Proceeding" upon all counsel of record by placing said copies in the United States Mail, postage prepaid, properly addressed as follows:

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This 29th day of March, 1984.



R. NEAL BATSON